

State Alaska

SECTION 1924 PROVISIONS

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- A. Income and resource eligibility policies used to determine eligibility for institutionalized individuals who have spouses living in the community are consistent with Section 1924.
- B. In the determination of resource eligibility the State spousal resources standard is the maximum amount allowed under Section 1924.
- C. The definition of undue hardship for purposes of determining if institutionalized spouses receive Medicaid in spite of having excess countable resources is described below:
1. The resources are unavailable to the institutional spouse because of circumstances that are beyond the control of the institutional spouse or his or her representative. Such circumstances include, but are not limited to, the illness, extended absence or lack of cooperation of the community spouse or of any instrumental third party; and
 2. The institutional spouse and his or her representative are taking all reasonable actions necessary to make the excess resources available to the institutional spouse; and
 3. A denial of Medicaid based on the grounds of excess resources could be reasonably expected to result in a denial of medical services essential to maintain the institutional spouse's life (and such a reasonable expectation is based upon medical evidence or testimony, and includes full consideration of the availability of alternative types of medical care and of the adequacy of the individual's income and available resources to meet the costs of long term care or care alternatives.

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COMMENT	